

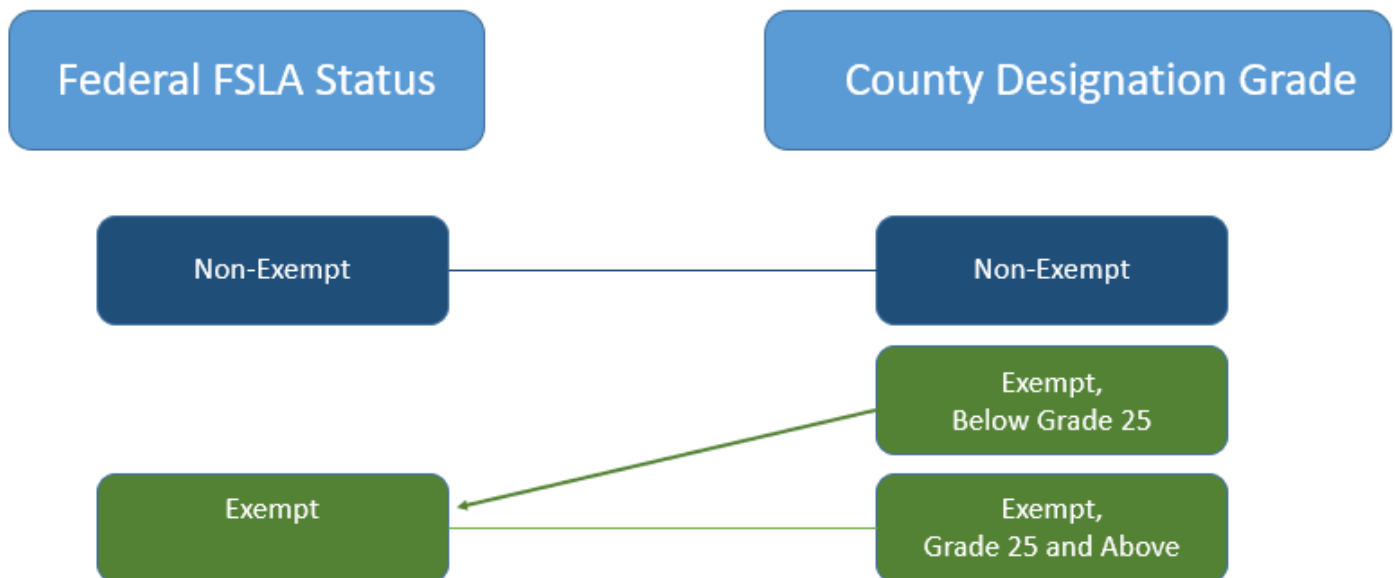


Use of *Flex Hours Worked*

Department of Labor's **Fair Labor Standards Act (FLSA)** is the Federal law that addresses how an employer must compensate employees for [excess hours](#) worked based on job classifications of either: Non-Exempt or Exempt.

OHR's Classification Team designates each County position according to job tasks as exempt or not exempt and assigns a classification grade. Oracle data (FLSA Status and Grade) passed to Mctime nightly. Mctime pay rules are configured and assigned based on this information.

Mctime Pay Rules are configured to calculate excess hours based on: the schedule, employee's FLSA status and Grade, excess pay thresholds (overtime), and other factors.





Use of *Flex Hours Worked*

Because the Montgomery County Personnel Regulations (MCPR) and Collectively Bargained Agreements (CBAs) sometimes permit an employee to alter workdays or work weeks, not all items are configurable in MCtime.

The pay code: **Flex Hours Worked**, allow EMPLOYEES (with manager's approval) flexibility to adjust their schedule, which might otherwise be subject to excess (overtime) thresholds. The pay code: **Flex Hours Worked** will suppress the calculation of excess hours in a timecard.

When: Employee directed (not management) schedule change. MANAGEMENT directed changes may require excess (overtime) compensation.

To: Use suppresses the calculation of excess hours (overtime pay or compensatory leave)

How: Use pay code: **Hours Worked** first. To test if **Hours Worked** generates excess hours, a manager can populate the timecard and use the **Calculate Totals** tool (found under **Actions** in the MCtime application). Use pay code: **Flex Hours Worked** only when necessary to suppress OT

Note: Review any impact to differentials
Flex Hours Worked = Regular Hours
Special Multilingual Differential pay codes -
Flex Hours with ML1 or ML2





Understanding Thresholds

Thresholds are relevant to understanding when it is appropriate to use **Flex Hours Worked**.

Excess Hours	FLSA Non-Exempt	FLSA Exempt, Below Grade 25	FLSA Exempt, Grade 25 & Above	MLS, Directors, Question A Management
Daily Thresholds*	8	8	8	N/A
Weekly Thresholds	40	40**	N/A	N/A
Bi-Weekly Thresholds ***	N/A	80	80	80
Default Form of Payment	Overtime Pay	Compensatory Leave	Compensatory Leave	Unpaid
Rate of Payment	1.5	1.5	1.0	Unpaid

Notes-

* Daily Thresholds are based on scheduled hours, typically 8 hours. For Full time employees, weekly thresholds must be met before weekly or bi-weekly thresholds are triggered. For Part-time employees and some schedules, daily thresholds will trigger excess hours (overtime).

** MCGEO CBA allows for Exempt Employees below Grade 25 to request alterations to workday/work week. These requests are subject to Management approval. These requests are considered “employee directed” rather than “management directed.”

*** Public Safety Employees (FOP, IAFF and SHF) are subject to adjusted bi-weekly FLSA 7(k) thresholds, regardless of FLSA Status or Grade.





When to Use *Flex Hours Worked*

What are some examples of when it is appropriate to use a Flex Hours Worked Pay Code?

- Compressed Schedule Patterns (Daily Thresholds 9-hour days) - alteration of workday
- Part-Time Employees (Daily Thresholds) -- alteration of workday
- FLSA EXEMPT, Below Grade 25 – an employee directed alteration of work week
- Special Public Safety Schedule Patterns (Thresholds determined by configured schedule pattern)

What are some examples of when it is **not** appropriate to use a Flex Hours Worked Pay Code?

- FLSA EXEMPT, Below Grade 25 schedules - **management directed** schedule adjustments
- FLSA EXEMPT, Below Grade 25 schedules – for FT schedule in **both** weeks **(40 hours or more)**
- FLSA EXEMPT, Grade 25 & Above schedules, MLS, Directors and Question A– FT Pay Rules already configured for 80 hours biweekly
- FLSA NON- EXEMPT – a NON- EXEMPT employee **may not alter between work weeks**
- Do **not** use Flex Hours Worked for **more hours than needed**
- **NEVER USE** Flex Hours Worked on the day the employee did not work, or else the employee will be paid double.
- Multilingual Certified Employees – must use Flex Hours Worked w/ MLA or MLB instead.





How to Use *Flex Hours Worked*

Example 1 - Compressed Schedule Patterns

(Daily Thresholds 9 hour days) - alteration of work day

Employee requests/management approves alteration of work day 3/10 & 3/11

Only the hours worked are recorded on each day. The Compressed Patterns are configured to treat any deviation from schedule as excess hours. Therefore to accommodate the employee's request to work additional time on Wednesday in exchange for leaving work early on Thursday, one hour is recorded using the *Flex Hours Worked* pay code. Total Hours Towards Schedule is 80, with no excess hours.

Save Actions ▾ Punch ▾ Amount ▾ Accruals ▾ Comment ▾ Reports ▾										
Week starting: Mon 3/09										
	Pay Code	...	Mon 3/09	Tue 3/10	Wed 3/11	Thu 3/12	Fri 3/13	Sat 3/14	Sun 3/15	Total
X	Hours Worked	▾			9.0	8.0				17.0
X	Hours Worked	▾		9.0			9.0			18.0
X	Flex Hours Worked	▾			1.0					1.0
				9.0	10.0	8.0	9.0			36.0
Week starting: Mon 3/16										
	Pay Code	...	Mon 3/16	Tue 3/17	Wed 3/18	Thu 3/19	Fri 3/20	Sat 3/21	Sun 3/22	Total
X	Hours Worked	▾	8.0	9.0	9.0	9.0	9.0			44.0
			8.0	9.0	9.0	9.0	9.0			44.0

TOTALS & SCHEDULE			ACCRUALS		AUDITS	
All ▾			Date	Start Time		
	Pay Code	Amount	Mon 3/09			
			Tue 3/10	8:00AM		5:00PM
			Wed 3/11	8:00AM		5:00PM
			Thu 3/12	8:00AM		5:00PM
			Fri 3/13	8:00AM		5:00PM
			Sat 3/14			
			Sun 3/15			

Pay Code	Amount
Flex Hours Worked	1.0
Regular	79.0
Total Hrs Towards Schedule	80.0





How to Use *Flex Hours Worked*

Example 2 - Part-Time Employees (Daily Thresholds) - alteration of work day

Employee requests/management approves alteration of work day 3/9 & 3/13

Only the hours worked are recorded on each day. The Part-Time Employees (Daily Thresholds) are configured to treat any additional hours against the Daily Threshold of 8 hours, since Weekly Thresholds may not be met. Therefore to accommodate the employee's request to work additional time on Thursday in exchange for leaving work early on Friday, one hour is recorded using the *Flex Hours Worked* pay code. Total Hours Towards Schedule is 60, with no excess hours.

Save

Actions

Punch

Amount

Accruals

Comment

Reports

Week starting: Sun 2/22

		Pay Code	...	Sun 2/22	Mon 2/23	Tue 2/24	Wed 2/25	Thu 2/26	Fri 2/27	Sat 2/28	Total
X		Hours Worked	▼					8.0	7.0		15.0
X		Hours Worked	▼		7.0	7.0					14.0
X		Flex Hours Worked	▼					1.0			1.0
					7.0	7.0		9.0	7.0		30.0

Week starting: Sun 3/01

		Pay Code	...	Sun 3/01	Mon 3/02	Tue 3/03	Wed 3/04	Thu 3/05	Fri 3/06	Sat 3/07	Total
X		Hours Worked	▼		7.0	7.0		8.0		8.0	30.0
					7.0	7.0		8.0		8.0	30.0

...

TOTALS & SCHEDULE

ACCRUALS

AUDITS

All

▼

Pay Code	Amount
Total Hrs Towards Schedule	60.0
Flex Hours Worked	1.0
Regular	59.0

Date	Start Time	End Time	Pay Code
Sun 2/22			
Mon 2/23	9:00AM	4:00PM	
Tue 2/24	9:00AM	4:00PM	
Wed 2/25			
Thu 2/26	8:00AM	4:00PM	
Fri 2/27	8:00AM	4:00PM	





How to Use *Flex Hours Worked*

Example 3 - FLSA EXEMPT, Below Grade 25 – an employee directed alteration of work week

Employee works Sunday 3/8 – best practice would always be to alter schedule within same week, but if alteration is between weeks in pay period, the pay code “Flex Hours Worked” is needed. Employee requests/management approves alteration of work day 3/18 in the following week

Only the hours worked are recorded on each day. The Employee’s Weekly Threshold is configured to treat hours >40 as excess. Therefore to accommodate the employee’s request to work additional time on Sunday in the first week in exchange for leaving work early on Wednesday in the second week, five hours are recorded using the *Flex Hours Worked* pay code. Total Hours Towards Schedule is 80, with no excess hours.

Save Actions Punch Amount Accruals Comment Reports									
Week starting: Sun 3/08									
	Pay Code	...	Sun 3/08	Mon 3/09	Tue 3/10	Wed 3/11	Thu 3/12	Fri 3/13	Sat 3/14
X	Hours Worked			8.0	8.0	8.0	8.0	8.0	
X	Flex Hours Worked		5.0						
			5.0	8.0	8.0	8.0	8.0	8.0	
									40.0
									5.0
									45.0
Week starting: Sun 3/15									
	Pay Code	...	Sun 3/15	Mon 3/16	Tue 3/17	Wed 3/18	Thu 3/19	Fri 3/20	Sat 3/21
X	Hours Worked					3.0			
X	Hours Worked			8.0	8.0		8.0	8.0	
				8.0	8.0	3.0	8.0	8.0	
									3.0
									32.0
									35.0
TOTALS & SCHEDULE ACCRUALS AUDITS									
All			Date			Start Time		End Time	
Pay Code			Amount						
Flex Hours Worked			5.0						
Regular			75.0						
Total Hrs Towards Schedule			80.0						

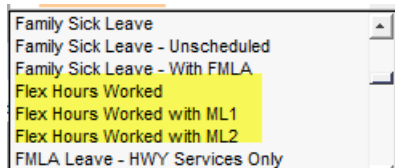


How to Use *Flex Hours Worked*

Example 4 – Employee with Multilingual Certification– any eligible Flex Hours Worked situation

When an employee is Multilingual Certified, the use of Flex Hours Worked may also require review of Multilingual Hours.

There are two pay codes that combine Flex Hours Worked and Multilingual:



Save Actions ▾ Punch ▾ Amount ▾ Accruals ▾ Comment ▾ Reports ▾										
Week starting: Sun 3/22										
	Pay Code	...	Sun 3/22	Mon 3/23	Tue 3/24	Wed 3/25	Thu 3/26	Fri 3/27	Sat 3/28	Total
	Hours Worked					4.0	4.0	4.0		12.0
	Hours Worked			8.0	8.0					16.0
	Annual Leave - With FMLA						4.0			4.0
	Sick Leave - With FMLA					4.0				4.0
				8.0	8.0	8.0	8.0	4.0		36.0
Week starting: Sun 3/29										
	Pay Code	...	Sun 3/29	Mon 3/30	Tue 3/31	Wed 4/01	Thu 4/02	Fri 4/03	Sat 4/04	Total
	Hours Worked			8.0	8.0	8.0	8.0	8.0		40.0
	Flex Hours Worked with ML1			1.0	1.0	1.0	1.0			4.0
				9.0	9.0	9.0	9.0	8.0		44.0

TOTALS & SCHEDULE			ACCUALS		AUDITS		SIGN-OFFS, REQUESTS & APPROVALS	
All ▾								





How to Use *Flex Hours Worked*

Example 5 – (DOCR Only)

DOCR Shift Swaps within the week and excess hours.

When the swap shift is worked with another shift (double shift on the same day) the **Flex Hours Worked** is needed. If excess shifts are worked, **Total Hours Towards Schedule** could be more than 80 hours.

Before Time card Change										
Pay Code	Transfe	Sun 9/13	Mon 9/14	Tue 9/15	Wed 9/16	Thu 9/17	Fri 9/18	Sat 9/19	Total	
Hours Worked		0.0				8.5			8.5	
Hours Worked			8.5	8.5	8.5				25.5	
COVID19 Front Facing Onsite						8.0			8.0	
Flex Hours Worked						8.0			8.0	
SO3 - Shift Diff OT 2p-1059p						8.0			8.0	
		0.0	8.5	8.5	8.5	32.5			58.0	

Week starting: Sun 9/20										
Pay Code	Transfer	Sun 9/20	Mon 9/21	Tue 9/22	Wed 9/23	Thu 9/24	Fri 9/25	Sat 9/26	Total	
Hours Worked		0.0		8.5					8.5	
Hours Worked			8.5		8.5	8.5			25.5	
Hours Worked	IIICOR200II						8.5		8.5	
COVID19 Front Facing Onsite					8.0				8.0	
Flex Hours Worked					8.0				8.0	
SO3 - Shift Diff OT 2p-1059p					8.0				8.0	
		0.0	8.5	32.5	8.5	8.5	8.5		66.5	

TOTALS & SCHEDULE										
Pay Code	Amount	Wages	Sun 9/13	Mon 9/14	Tue 9/15	Wed 9/16	Thu 9/17	Fri 9/18	Sat 9/19	
Total Hrs Towards Schedule	88.0									
COVID19 Front Facing Onsite	88.0									
Regular	72.0									
Flex Hours Worked	16.0									
SO3 - Shift Diff OT 2p-1059p	16.0									
OTL - DOCR - Overtime Lunch	4.5									
COVID19 OT Front Facing Onsite	4.5									

The fix to this requires Pay Code Moves of “**Regular**” hours, that can only be performed with MCtime Team access. Review Differentials. Contact the MCtime Team.

TOTALS & SCHEDULE						
ACCRAUALS						
AUDITS						
SIGN-OFFS, REQUESTS & APPROVALS						
MOVED AMOUNTS						
Effective Date	From Account	To Account	From Pay Code	To Pay Code	Amount	
9/25/2020	...-2696/COR 42-2196-2701/-/-/COR200/3812/-	IIICOR200II	COVID19 Front Facing Onsite	COVID19 OT Front Facing Onsite	8.0	
9/25/2020	...-2696/COR 42-2196-2701/-/-/COR200/3812/-	IIICOR200II	Regular	OT at 1.5 - Overtime	8.0	

Send Email Questions to MCtime@MontgomeryCountyMD.gov

